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Attorney Docket Number JEL 28567RE-E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Naoyasu MIYAGAWA et al.

Art Unit: 2753

Serial No.: 09/460,222

Examiner: N. Hindi

Filed: December 13, 1999

For: OPTICAL RECORDING/REPRODUCING APPARATUS
FOR OPTICAL DISKS WITH VARIOUS DISK
SUBSTRATE THICKNESSES

TERMINAL DISCLAIMER

Attn: Reissue Application
Subject to Expedited Consideration

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

The owner, MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., a corporation organized under the laws of JAPAN, located at 1006 OAZA KADOMA, KODAMA-SHI, OSAKA, JAPAN, of 100% interest in the instant application, hereby:

(1) disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number 09/420,603, filed on October 19, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the Application Number 09/420,603 are commonly owned. This agreement

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runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the Application Number 09/420,603, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

(2) disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number 09/609,699, filed on November 22, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the Application Number 09/609,699 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the Application Number 09/609,699, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

(3) disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number 09/609,829, filed on November 22, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the Application Number 09/609,829 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on

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the Application Number 09/609,829, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

(4) disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number 09/460,221, filed on December 13, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the Application Number 09/460,221 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the Application Number 09/460,221, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

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jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

(5) disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number 09/460,223, filed on December 13, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the Application Number 09/460,223 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the Application Number 09/460,223, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner

terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

(6) disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. RE36,445. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and said prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Pursuant to MPEP 804.02,IV, a single Terminal Disclaimer fee of \$110.00 is due:

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"To avoid paying multiple terminal disclaimer fees, a single terminal disclaimer may be filed, wherein all the conflicting double patenting references are disclaimed therein." MPEP 804.02, IV, page 800-32.

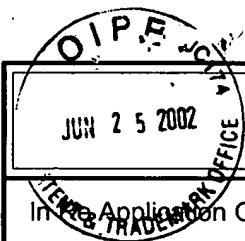
The Terminal Disclaimer fee \$110.00 under 37 CFR 1.20(d) may be charged to Deposit Account No. 19-4375, but if additional fees are due, they also may be charged to Deposit Account No. 19-4375.

This submission is on behalf of the owner, MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. The undersigned is an attorney of record.

By: 

Name: James E. Ledbetter
Reg. No. 28,732

Signed this 25th day of June, 2002.



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TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
JEL 28567RE-E

In Re: Application Of: **Naoyasu MIYAGAWA et al.**

Serial No.	Filing Date	Examiner	Group Art Unit
09/460,222	December 13, 1999	N. Hindi	2753

Title:

**OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL DISKS WITH VARIOUS DISK
SUBSTRATE THICKNESSES**

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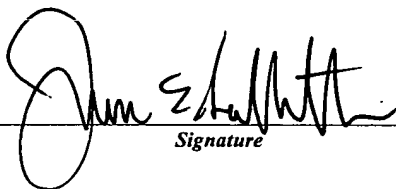
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

A Terminal Disclaimer in accordance with a telephone discussion with Special Program Examiner Krista Zele, in order to expedite issuance of this application. The Applicants do not acquiesce in the position taken by the Office that any sort of double patenting rejection is warranted.

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **19-4375** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.


Signature

Dated: **June 25, 2002**

James E. Ledbetter, Reg. No. 28,732

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: